

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Scott Allen Cole

Docket No. 7:09-M-1208-1

Petition for Action on Probation

COMES NOW C. Lee Meeks, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Scott Allen Cole, who, upon an earlier plea of guilty to Driving While Impaired, in violation of 18 U.S.C. § 13, N.C.G.S. 20-138.1, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on December 9, 2009, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 48 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug rehabilitation and education program as directed by the U.S. Probation Office.
4. The defendant shall pay a \$300 fine and a \$10 special assessment.

On January 11, 2010, the court approved a Petition for Action on Probation ordering 2 days custody and drug aftercare as the result of a positive drug test.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The probation officer submitted two jail schedule requests to the Bureau of Prisons. However, as of this date, no schedule has been received. Since the defendant's positive drug test in December 2009, Cole has tested negative for controlled substances, obtained full-time employment, completed substance abuse treatment, attended the Truth and Consequences course administered by the probation office, and completed community service hours. Additionally, he has reported as directed. Cole and his fiancé recently relocated to his father's residence after she gave birth to their second child in April 2010.

In that an unusual amount of time has elapsed since the jail schedule requests were submitted and the defendant has faithfully complied with the terms of supervision since the violation in December 2009, the probation officer recommends the 2-day jail sanction ordered by the court be stricken, and in lieu thereof, Cole be ordered to participate in the home detention program for a term

of 7 days, without electronic monitoring. The probation officer believes home detention will appropriately promote the ends of justice in consideration of the defendant's compliance and the extended delay of executing the 2-day jail sanction originally ordered.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The 2-day jail sanction ordered by the court on January 11, 2010, is hereby stricken.
2. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 7 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ C. Lee Meeks, Jr.
C. Lee Meeks, Jr.
U.S. Probation Officer
472-C Western Blvd.
Jacksonville, NC 28546-6862
Phone: (910) 347-9038
Executed On: August 3, 2010

ORDER OF COURT

Considered and ordered this 5th day of August, 2010, and ordered filed and made a part of the records in the above case.


Robert B. Jones, Jr.
U.S. Magistrate Judge